from CONFLICT to *cooperation*

Alberta
MUNICIPAL AFFAIRS

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INTRODUCTION

Many Alberta communities are making decisions on complex issues by involving everyone who has a stake in the outcome in the decision-making process. This process is known as building consensus. Using consensus processes for decision making captures local wisdom and expertise to create local solutions to local issues. This becomes the basis for support when it comes time to implement the plan.

This booklet illustrates seven examples of how Albertans have worked together to reach agreement. Some of the stories reflect conflicts that were long-term and long-held. Some had reached the stage of legal action. Emotion and tension were common. Other stories are about groups identifying a problem, coming to agreement and taking action to prevent problems, even though they traditionally hadn't worked together. As the Alberta success stories in this booklet demonstrate, a consensus process can bring agreement and solutions to complex situations.

Using Consensus Processes

The National Roundtable on the Environment and the Economy identified several advantages that consensus processes have over other decision making methods when addressing complex issues. Those advantages include:

- ensuring that all significant interests are represented and respected
- enabling participants to deal with each other directly
- giving an effective voice to all participants
- allowing parties involved to design a process that meets their special needs and circumstances

- providing a forum that encourages new partnerships and models cooperative problem solving
- seeking solutions that maximize all interests and promote long term solutions.

Alberta Results

Groups and individuals who used a consensus process identified the following results:

- improved working relationships between participating parties
- a better understanding and respect for the different viewpoints represented
- better informed, more creative, balanced and enduring decisions
- shared commitment to and responsibility for the process, results and implementation
- consensus processes can be used along with other processes.

In some cases only some components of the issue are resolved using a consensus process, yet the model can be used to structure discussion, clarify the issues, and build respect and understanding between the parties.

For more information about consensus processes and how you might use them, please contact Maureen Barnes, Alberta Agriculture, Food and Rural Development (780)427-4369 or Bill Diepeveen, Alberta Municipal Affairs (780)427-2225.

introduct

COMMUNITY OWNERSHIP OF A WATERSHED

Overview

In 1991, the Bow River Water Quality Task Force reported increased fecal bacteria and nutrient contamination where the Crowfoot Creek empties into the river, about 85 km east of Calgary. The creek's watershed is a mix of intensive irrigation, dryland cropping and livestock production. In 1995, a further study confirmed phosphorous and fecal bacterial levels exceeded water quality standards. At this point, the Wheatland County Agricultural Service Board responded.

Increasing the awareness level and explaining the study results became key.

Process

With the financial and in-kind support of all levels of government, industry, irrigation districts, educational institutions and other stakeholders, a water monitoring program within the watershed was developed. Increasing the awareness level and explaining the study results became key. Regular meetings with people who lived in the watershed began. The monitoring results sparked community interest and soon more information on water quality was requested by rate payers in the municipality. A regular newsletter, *Up the Creek with a Paddle* was published and sponsored in partnership with Alberta Agriculture and the Agricultural Service Board . Newspaper articles and meetings sponsored by stakeholders were used to inform residents of the water monitoring findings.

In 1998, the Agricultural Service Board and stakeholders sponsored a **Caring for the Land Workshop** where over 75 community people learned about riparian management. The idea to form the Crowfoot Creek Watershed Group came from this workshop.

This group's purpose is to build community understanding and knowledge about watershed management and encourage the adoption of beneficial management practices (BMP). The

group has developed a plan that outlines its purpose, goals and action plans. Planned activities include a needs assessment, educational activities and demonstration projects.

Group membership is composed of voting and advisory members. The 20 voting members include producers and residents from throughout the watershed and a representative from the Village of Standard and the Hamlet of Gleichen. Advisory members include a rural development specialist, a soil specialist and a beef specialist, all from Alberta Agriculture, Food and Rural Development, as well as the agricultural fieldman from Wheatland County. PFRA, Ducks Unlimited, the Western Irrigation District and the oil industry also have representatives who act as advisors. A Watershed Co-ordinator has been hired to assist with the implementation of the plan.

The Co-ordinator will visit farms, acreages and town residents to understand their present watershed practices and determine future educational needs. Other duties include increasing awareness of economically feasible practices that will enhance water quality in the water shed, developing an understanding of water quality issues, and encouraging and promoting the use of available resources on riparian management. At the same time workshops, one-on-one farm visits, demos and tours are planned to facilitate the adoption of beneficial management practices.

Results

A community watershed group was formed with representation from local farmers, government, the oil industry, residents and other stakeholders. This group developed a strategic plan to help build understanding of the issues and to encourage the community to develop their own solutions to water quality issues.

RE-ALIGNING A ROAD AND MERGING INTERESTS

Overview

A county council decided to widen and realign a well traveled east-west road. Environmental groups opposed the plan because it had the potential to impact an adjacent natural area. While the necessary by-laws for a construction go-ahead had been passed, Alberta Transportation and Utilities suggested the use of a neutral third party to structure and facilitate further discussion. The county agreed.

Some of the challenges this project presented were:

- because the municipality had already okayed the project, there was a challenge to create a discussion framework that recognized the environmental groups' concerns
- negotiations were being conducted between parties who were threatening defamation suits.

Consensus processes are designed to seek solutions that maximize all interests and promote sustainability.

All parties gain a better understanding and respect for the different viewpoints represented.

Process

A mediator from the provincial environment department held two days of preparatory meetings with elected officials, county administrators, environmental group representatives, other concerned citizens and Alberta Transportation and Utilities staff to explain the process and familiarize himself with the issues.

These vastly different perspectives made mediation an ideal process.

A challenge for the mediator was to create an opportunity for discussion among the parties. Initially, there appeared to be no room for discussion. While council had already made a decision to proceed, the group opposed still wanted to discuss whether or not the construction would go ahead. These vastly different perspectives made mediation an ideal process. The mediation process led the community to a better understanding of the rationale for the road and gave the municipality

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an opportunity to stand back from its decision and hear the community's concerns.

The staring point for the mediation was that the road would go ahead, but the group would look at options to include the environmental perspective. This allowed for a broader discussion and eventually a broader solution than was first envisioned. Three half-day meetings with the groups were required to reach an agreement. At each meeting the mediator provided a structure so that each group could outline its interests and clarify the interests of the other parties.

Results

The road widening went ahead, but with significant modifications to the method and timing of construction. While the original road design was technically sound, engineering plans were changed to address the environmental concerns. Some changes weren't necessarily design elements, but were modifications to enhance habitat. For example, a late summer construction start didn't disturb nesting waterfowl, and planting mature native trees between the roadway ditch and a slough provided a buffer.

The agreement included the county acknowledging that the road would use some land that was set aside as a natural area. While the county had already transferred an old right-of-way within the natural area to protective status, the municipality also agreed to set aside and protect another parcel of land.

ALTERNATIVE DISPUTE RESOLUTION INSTEAD OF A FORMAL HEARING

Overview

In 1997, a landowner challenged the Alberta Environmental Protection's approval of a town's wastewater system storage cell and groundwater monitoring wells by filing an appeal with the Environmental Appeal Board.

The town guaranteed that its holding ponds were lined and there wouldn't be seepage into nearby waterways. The appellant, a bordering landowner, claimed the town had trenched through a berm allowing sewage to flood farm land and pollute a fresh water lake.

Some issues that needed discussion were:

- while not opposed to the project, the landowner wanted assurance that discharge wouldn't reach the lake and affect water quality and lake levels
- whether an MLA, present at the mediation meeting, should join the discussion
- what the town could do to prevent discharge from its wastewater system.

> Sucsessful mediation, notes the Board, is more likely to preserve a good relationship, restore a relationship and help parties save face.

Process

The Environmental Appeal Board's policy is to offer mediation as a method of resolving appeals, instead of a formal presentation before the Board. In this situation, all parties agreed to the mediation and a Board member acted as the mediator.

The mediation meeting included all parties and was held at the landowner's residence. At one point in the meeting, the mediator met with the parties separately to clarify some points and assess progress. After reconvening, an agreement was reached that changed the initial approval. The mediation was concluded within a day.

Results

The mediation agreement described how everyone with property adjoining the lake would receive a copy of an annual report detailing the full chemistry of the discharge to the storage cell, including total and fecal coliform levels. The town also agreed to send all people with an interest in adjoining lands, a discharge schedule. This would be done by registered mail, three weeks before the discharge. As a good neighbor, the town agreed to discuss timing with those people.

As well, the town agreed to aggressively manage its wastewater system and would clean its anaerobic cells as soon as possible.

Alberta's Environmental Appeal Board (EAB) often uses alternative dispute resolution to reduce costs and save time for both the Board and the concerned parties. These methods are more informal and flexible than a formal Board hearing. Mediation is often preferred by the parties involved. Not unlike lawsuits, mediation is more likely to provide lasting solutions for all parties.

COWS AND FISH: HEALING RIPARIAN AREAS

Cows and Fish is an award winning example of working from conflict to co-operation. In 1997, Lorne Fitch and Barry Adams, the provincial government employees who spearheaded much of the Cows and Fish program, received an Emerald Award. Co-operating producer Francis Gardner was the inaugural winner of the Alberta Cattle Commission's environmental stewardship award.

Overview

Over a century ago cattle ranching came to Alberta's foothills. By the 1990s, the preference for the lush vegetation along waterways by cattle, had made a serious impact on riparian areas. Trampled streambanks and muddied waters resulted in fewer native grasses and decreased fish populations. Although riparian areas along waterways make up a small fraction of rangeland, they are among the most productive and valuable environments for livestock, wildlife and fish. Decades of unproductive debate and conflict made adversaries of the ranchers and anglers/ conservation organizations, with government left in the middle.

Process

A single meeting around a ranch kitchen table in the early 1990s was the catalyst for the Alberta Riparian Management Project which became known as *Cows and Fish*. The initial meeting brought together a rancher, a number of agency staff, Trout Unlimited Canada and the Alberta Cattle Commission. They were the initial partners of the process that developed in three phases.

The first step was team building. Partnerships between organizations were established and new partners including Fisheries and Oceans Canada and Prairie Farm Rehabilitation Administration (PFRA) were added. The team acquired technical knowledge and explored options.

Tool building was the second phase. This included on-ranch demonstration sites to apply and show riparian grazing strategies. *Cows and Fish* partners delivered their riparian management message at workshops, in booklets, videos, reports and on the web site to livestock producers and other resource managers.

The final step was community-based action to take the message to the grassroots through local tours and community presentations. That community-based action formed part of the partners' objective to export the process beyond the initial project area in southwestern Alberta.

In its second phase, *Cows and Fish* grew to encompass more of the province. A provincial co-ordinator helps program partners, ranchers and agricultural communities develop their own approach to riparian and rangeland management.

Another important dimension in the delivery of this program is a range health inventory program. This tool provides landowners with an assessment of their riparian areas and suggestions as to how they can improve this important habitat.

* Riparian areas are the high moisture areas along the fringes of streams, rivers, lakes and wetlands. They produce a type of vegetation that is unique to this high moisture zone.

Results

The program built a new awareness among the riparian stakeholders and also demonstrated to former adversaries that it's possible to work together for mutual benefit. Ranchers have improved their grazing management, not only benefitting their livestock, but also fish and wildlife habitat.

healing
riparian area

Since 1992, *Cows and Fish* presentations had been made to over 7,000 ranchers, farmers, students, environmental groups and other urban audiences. Over 22,000 copies of *Caring for the Green Zone: Riparian Areas and Grazing Management* were distributed in Western Canada and the U.S. Another 1,800 copies of *Health Guide for Riparian Areas* along with 350 copies of the video *Along the Waters Edge* were distributed.

Cows and Fish provides a forum that encourages new partnerships and models

MEDIATING A FAMILY FARM'S FUTURE

Overview

What happens to a family farm as it's transferred between generations? It's a situation that arises for many Alberta farm families. While each situation is unique, there are some common themes. They include stressed family relationships, the need for difficult decisions to be made and concern over the viability of the business.

In this case, the father was ill, in long-term care and unable to make business decisions. The mother wasn't previously involved in farm business decision-making. She was ready to take on decisions, but was worried about her six adult children and how her decisions would affect them. She wanted to make decisions that would be supported by her family. She was also concerned about poor communication among her children. Emotions were high and misunderstandings abounded.

As in many family situations one of the mother's main goals was to ensure that family relationships were at least maintained, and maybe even enhanced through the process of making decisions about the farm. She recognized that if they focused only on the legal and financial issues this goal wouldn't be reached. The mother sought out a process where the family could sit face to face to discuss their needs and wants openly and honestly. She contacted a mediator who was familiar with both family dynamics and private businesses.

Some of the things the family needed to discuss and agree upon were:

- determining an income level from the farm assets for the mother and how it would be derived
- putting together an on-going rental agreement with the two farming sons, as well as a long-term purchase plan of the farm assets
- establishing a communication process the family could use in future business decisions.

Process

With seven people involved, the mother and her six children, there was a complex web of parent-

Mediation:
- *enables participants to deal with each other directly*
- *gives an effective voice to all participants*
- *allows parties involved to design a process that meets their own special needs and circumstances*

child and sibling-sibling relationships to consider. The mediator did preparation work by speaking to each family member, getting to know them and their concerns, and describing the mediation process. It was important that each person knew what to expect in the mediation and that they were comfortable participating. Family members were encouraged to think beforehand about what the farm meant to them, what they wanted to see happen to the farm and any solutions they might bring to the discussion.

The actual mediation was a one-day session held on neutral ground, a local community hall chosen by the group. Only the mother and her children attended.

Guidelines were set at the beginning of the session for how they could openly discuss each of their hopes and plans in a calm and respectful way. Each person was allowed to speak, uninterrupted while the others listened. The mediator assisted the family to clarify misunderstandings and to clearly identify everyone's interests. The main concerns of family members who were no longer involved with farming were to be made aware of arrangements being made about the farm and that those arrangements be fair to everyone.

While the process wasn't always easy, by the end of the day family members had a much better understanding of and respect for each other's perspectives.

Results

At the end of the day, the emotional level had gone from high and tense, to comfortable and relaxed. Family members also realized they needed more information about issues like the mother's annual income needs, before a final decision could be made. A follow-up strategy was developed which included a family member being chosen to facilitate a second meeting.

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HOSTILE TAKEOVER TO ANNEXATION AGREEMENT

Overview

A town and a county had a long-standing dispute over a proposal by the town to annex a portion of the rural municipality. With a strong adversarial history that included law suits, mediation provided a solution that didn't involve the courts and satisfied both municipalities.

The Minister of Alberta Municipal Affairs met with and encouraged both municipalities to try mediation. Financial assistance was offered as an incentive.

For the rural municipality, with a number of urban neighbors, both the process and any decision was likely to set a precedent.

Process

Over five months the parties, assisted by mediators, spent 105 hours developing an annexation agreement to resolve the concerns of both sides. To start, each municipality formed a team of five people, three councillors and two staff, to bring forward names of potential mediators. Eventually, a team of two mediators was chosen.

At the first meeting, ground rules were set including when the group would meet and the protocols of who could talk at the mediation table. Mediation meetings were held weekly, often for three hours in the evening. Occasionally, a half-day Saturday meeting was used. A team made up of the chief elected officer (mayor or reeve), one councillor and a staff member attended the meetings. Alternates were also appointed.

One key to the success of the mediation process was that past issues between the municipalities weren't on the table. Instead, the focus was on current and future issues. One mediator encouraged the participants to imagine packing the past in a suitcase and leaving it at the door. The imagery allowed for self-monitoring and if anyone brought in their "baggage" they were reminded to go back and leave it at the door.

During early mediation sessions each team identified what they wanted and why. Each issue was brought to the table individually and given fair time for discussion. Only one person spoke at a time and everyone was given an opportunity to speak.

About three-quarters of the way through the meetings, work began on drafting a preliminary agreement.

Results

The final annexation agreement provided for a staged annexation, a joint drainage study, a schedule for road transfer and maintenance and an agreement to leave the farm land as is for as long as possible.

One of the benefits of using this type of process is the transfer of skills to participants. One of the parties involved in this dispute was able to use this same process to resolve another conflict.

annexation agr

55 GROUPS, 97 SQUARE MILES AND ONE MANAGEMENT PLAN

Overview

In 1996, one of the Cooking Lake-Blackfoot Provincial Recreation Area user groups expressed an interest in expanding the area's equestrian trails. Other users challenged the request believing that it interfered with their use of the area. This conflict provided an incentive to review and revise the area's existing management plan. A new plan was needed that reflected the needs of a vast array of stakeholders including:

- the tens of thousands of recreational users including hikers, bikers, cross country skiers and equestrian users
- the owners of a producing gas field
- a grazing association that had used the area since the 1920s
- hunters and commercial trappers
- three levels of government.

The area's park planner, in consultation with others, wanted to find an alternative method of decision making to the traditional public consultation methods. The group looked for a process that would pull all stakeholders together in decision making, rather than pitting them against each other. The goal was to have the groups, as a whole, make recommendations to the Minister of Alberta Environmental Protection and then have a role in implementing the plan.

> The mediation team helped the groups in each sector work together.

Some of the challenges facing the group included:

- identifying all stakeholders that would be affected by the decisions
- getting four provincial government departments to agree to be represented by one person at the mediation table
- developing and implementing a plan to ensure that decisions were made within the group

structure rather than having individual groups working outside the process to influence decision makers
- developing a parallel and complementary public involvement process.

Process

Once a decision was made to proceed with a consensus process, the first task was to choose a mediator. The second was to identify all the stakeholder groups.

Staff from Alberta Environmental Protection acted as a mediation team. They provided liaison with stakeholder groups, arranged and facilitated meetings, prepared written material and recorded notes at meetings.

The mediators role was to guide the discussion at meetings and assist sector representatives to best represent their stakeholder groups. With so many stakeholders, 55 different groups in all, an early part of the process involved meeting with each organization, explaining how the process would work and getting a feel for their concerns.

The 55 stakeholder groups agreed to organize into 14 like-minded sectors such as government, energy companies, community groups and recreation groups. Each sector had one representative at the mediation table. This strategy served two purposes. First, the group was now a size that made possible sitting around a table and conducting productive discussions. Secondly, the structure provided a way for each group to have their concerns and desires brought forward. It also provided a way for information and decisions that were being considered by the mediation table to be brought back to the stakeholder groups.

The mediation team helped the groups in each sector work together. This was done by providing negotiation training, helping to identify their needs and concerns, and developing a strategy for bringing their needs to the larger mediation table.

Over a 12 month period, one or two monthly meetings with all sectors were held. At these face-to-face meetings issues and interests were identified, data was reviewed and solutions were

developed. In between these meetings, sector representatives communicated back to their sector groups to make sure they were informed of the progress and the direction of the talks.

Twice, the general public was invited to open houses where reports were presented and feedback was received. Because keeping people informed of progress is an important part of the consensus process, the mediation team regularly sent out newsletter updates to stakeholders and the general public.

After approximately 14 months of discussions, an agreement in principle was reached. It then took six months to write and finalize the plan to everyone's satisfaction. The group then forwarded the plan to the government, who adopted it in its entirety.

nagement plan

Results

As a result of extensive planning and use of a consensus process, a comprehensive management plan that met the interests of all stakeholder groups was developed. Because all stakeholders were involved and responsible for the recommendations, there was little or no opposition to the plan. The agreement included establishing a multi-stakeholder group to oversee the implementation of the plan. This group continues to maintain ownership of the plan and responsibility for its implementation.

Note: The case descriptions have been provided by participants from their point of view. Given that there were many participants in each process and their differing needs, the views of each individual may be different than the account presented here.

GLOSSARY

Consensus Process
In a consensus process, everyone who has a stake in a decision works together to reach an agreement on actions and outcomes. Participants work together to design both a process and an outcome that maximizes their ability to resolve their differences. Although all parties may not agree with certain aspects of the final package, consensus is reached if all participants can accept and live with the entire package.

Alternative Dispute Resolution (ADR)
refers to any method of resolving disputes that uses a consensus process model. The term often refers to any process outside of the court system, where disputing parties come to mutual agreement on a solution with or without the help of a mediator.

Negotiation
Negotiation occurs when two parties meet together to resolve a conflict. If a consensus model is used, each party represents its own interests while recognizing that all parties stand to gain more if the solution meets everyone's interests.

Mediation
In mediation, a neutral third party joins the negotiations to help the parties develop solutions using a consensus process. The mediator's role is to provide a structure and a process that allows the two (or more) parties to develop a solution that is agreeable to all. The mediator doesn't judge, make decisions, come to conclusions or impose solutions.

Position
A position is a solution that meets one's own needs. Positions are often expressed as *I want, I don't want, I will or I will not*. Positions narrow the focus of the discussion. This can result in compromises that don't satisfy all parties' concerns.

Interests
Interests are a collection of needs that a person or group must have met by the agreement. For example: beliefs and values, fears and concerns, hopes and expectations. Once the interests of all parties are explored, it's easier to find a solution that meets the interests of both parties to the greatest possible degree.

Stakeholders
Stakeholders are individuals or groups who are affected by the decisions being made or who could roadblock the successful implementation of the decisions. Stakeholders are affected by the consensus solution and play a significant role in how the solution is implemented.

RESOURCES

Rural Development Specialists - Organizations (RDS-O)
Alberta Agriculture, Food and Rural Development (AAFRD)

RDS-Os work with agricultural communities and organizations to develop consensus decision making processes. Specialists have a wide range of training backgrounds, including conflict resolution, and designing and implementing collaborative processes in communities. Contact any AAFRD district office for the name of the RDS-O nearest you.

Finding Common Ground - Negotiating Agreements

This publication and video is available from AAFRD. Learn the basics of interest-based negotiation: treating your opponent with respect while taking care of your own needs. This 53-page publication and corresponding video illustrate negotiation techniques in both business and community settings.

Journey to Consensus

This video and workbook are available from AAFRD. The video illustrates the interest-based negotiation process in a public land management context. A situation involving a number of client groups competing for a parcel of public land is presented. A series of consensus-based discussions that lead to an agreement are illustrated. This process can be applied to workplace, community, organizational or personal conflict situations.

The workbook outlines the stages of negotiation and provides suggestions to both the process manager and participants to assist them in making their negotiations as effective as possible.

Solving Intermunicipal Disputes:
- Is Mediation Right For You?
- Working Through The Mediation Process

This handy, easy to read, two booklet series is designed to explain what mediation is, what it does and what to expect when you go through the process. Available from Alberta Municipal Affairs, phone (780)427-2225.

Alberta Arbitration and Mediation Society

This organization provides training, a list of mediators and arbitrators and a regular newsletter. For more information phone (780)433-4881.